

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTOPHER D. ARIOLA,

Plaintiff,

9:04-CV-1262

vs.

ONONDAGA COUNTY SHERIFF'S DEPARTMENT;
JOHN DOE; JANE DOE; COUNTY OF ONONDAGA
CORRECTIONAL MEDICAL AND BEHAVIORAL
HEALTH SERVICES; GARY SMITH, P.S.W.A.;
MARILYN S. WARD; and JOSE L. MASSA,

Defendants.

U. S. DISTRICT COURT
N. D. OF N. Y.
FILED

MAY - 5 2005

AT _____ O'CLOCK _____ M
LAWRENCE K. BAERMAN, Clerk
UTICA

APPEARANCES:

CHRISTOPHER D. ARIOLA
Plaintiff, *pro se*
02-B-2553
Great Meadow Correctional Facility
Box 51
Comstock, NY 12821

DAVID N. HURD
United States District Judge

ORDER

Presently before the Court is an amended complaint submitted for filing by Christopher D. Ariola ("plaintiff"). Dkt No. 10. Plaintiff submitted the amended in compliance with the Order issued by the Court on December 7, 2004. Dkt. No. 6.

Since plaintiff's amended complaint essentially cures the defects in his prior complaint, it may properly be filed with the Court.

The Court notes that, in his amended complaint, plaintiff has not listed "County of Onondaga Correctional Medical and Behavioral Health Services" or "Jane Doe" as defendants, and therefore they are hereby dismissed from this action.

In addition, plaintiff's amended names "Patrick Schaubroeck, CW" as a defendant and sets forth allegations of wrongdoing as against him.

WHEREFORE, it is hereby

ORDERED, that "County of Onondaga Correctional Medical and Behavioral Health Services" and "Jane Doe" are dismissed as defendants in this action, and it is further

ORDERED, that the Clerk revise the docket to add "Patrick Schaubroeck, CW" as a defendant in this action, and it is further

ORDERED, that the Clerk shall issue summonses naming the current defendants and forward them, along with copies of the amended complaint, to the United States Marshal for service upon the named defendants, together with a copy of this Order.¹ The Clerk shall also forward a copy of the summons and amended complaint by mail to the Office of the Attorney General for the State of New York, together with a copy of this Order, and it is further

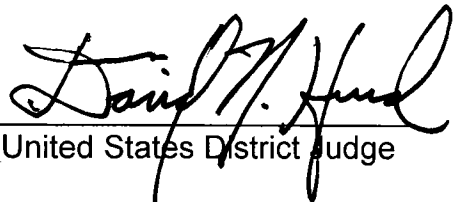
ORDERED, that a formal response to plaintiff's amended complaint be filed by the defendants or their counsel as provided for in Rule 12 of the Federal Rules of Civil Procedure subsequent to service of process on the defendants, and it is further

¹ Plaintiff was granted leave to proceed with this action *in forma pauperis*. Dkt. No. 6.

ORDERED, that all pleadings, motions and other documents relating to this action must bear the case number assigned to this action and be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a true and correct copy of it was mailed to all opposing parties or their counsel.** **Any document received by the Clerk or the Court which does not include a proper certificate of service will be returned, without processing.** Plaintiff must comply with requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in his address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers without oral argument unless otherwise ordered by the Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on plaintiff by regular mail.

IT IS SO ORDERED.


United States District Judge

Dated: May 5, 2005
Utica, New York.